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Patent
Case No.: 56695US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: **SHEELY, JEFFREY D.**
Application No.: **10/024,311** Group Art Unit: **1771**
Filed: **December 17, 2001** Examiner: **Ula C. Ruddock**
Title: **TRANSPARENT REINFORCED TAPE**

REPLY BRIEF

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P.O. Box 1450
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Dec. 17, 2004	<i>Susan P. Gumatz</i>
Date	Signed by: Susan P. Gumatz

Dear Sir:

This is in reply to the EXAMINER'S ANSWER in the appeal of the subject application mailed October 20, 2004. If any fee is required for this Reply Brief should be charged to Deposit Account No. 13-3723.

In the Appeal Brief we indicated the following "Grouping of Claims":

Group 1: Claims 1, 2, 3, 4, 5, 8, 9, and 10

Group 2: Claim 6

Group 3: Claim 11

Group 4: Claim 12

With respect to that Grouping of Claims, the Examiner stated in the Examiner's Answer "The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because merely reciting claim limitations is not a proper argument. Therefore, all claims stand together."

We understand that the rule for grouping of claims is: “For each ground of rejection which appellant contest and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph c(8) of this section, appellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.”

Appellant has both included a statement noted above under the “7. Grouping of Claims” section of the Appeal Brief that certain claims of the group do not stand or fall together, and has explained under the “8. Argument of Appellants” section of the Appeal Brief and further explains herein why claims 6, 11, and 12 (dependent on claim 1) are believed to be separately patentable.

As was explained in the Appeal Brief, claims including claims 6, 11, and 12, which are dependent on claim 1, are allowable for the reasons given for the allowability of claim 1 and recite further structural features that are not taught or suggested in the claimed combination by Serra et al. or by a combination of Serra et al. and Perez et al; specifically

Claim 6 recites that the index of refraction of the material of the fibers is within plus or minus 0.2 of the index of refraction of the adhesive; this preferred relationship between those indexes of refraction is not even remotely suggested by Serra et al or any of the cited art;

Claim 11 recites that when tested in accordance with the test described in this application, the percentage of light reflected from the claimed tape as diffuse light was at least 15% before the tape was adhered to a substrate, and was reduced by at least 10% by adhering the tape to a substrate, and

Claim 12 recites that when tested in accordance with the test described in this application, the percentage of light reflected from the tape as diffuse light was at least 15% before the tape was adhered to a substrate, and was reduced by at least 60% by adhering the tape to a substrate. These relationships recited in claims 11 and 12 between the percentages of light reflected from the tape before and after it was adhered to a substrate are also not even remotely suggested by Serra et al. or any of the other cited art.

Thus, claims 6, 11, and 12 recite limitations not found, taught, or even suggested by any of the cited references that patentably distinguish the invention from the cited art. We add to the explanation that the added limitations recited in claims 6, 11, and 12 for reinforced tape according to the present invention insure that the reinforcing scrim in the reinforced tape that is easily seen in the tape before it is applied to a substrate will become very significantly less visible in the tape when the tape is adhered to a substrate. Thus those limitations make claims 6, 11, and 12 separately patentable.

Thus, the grouping of claims indicated the Appeal Brief should be retained.

Respectfully submitted,

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